

THURSDAY, JANUARY 14, 1968

FORTY-SIXTH LEGISLATIVE DAY

The House met at 9:00 A.M. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Dr. Jerry Sutton, Two Rivers Baptist Church, Nashville, Tennessee, guest of Representative Ben West, Jr.

Representative Ben West, Jr., led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 97

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 97.

The Speaker announced that Representative Swann was excused because of business.

CONSENT CALENDAR

House Bill No. 1339 -- Blount County -- Provides for reapportionment of educational districts from which members of county board of school supervisors shall be elected. Amends Chapter 60, Private Acts of 1961, as amended.

House Joint Resolution 0418 -- Memorials, Congratulations -- Honors the city of Munford, Tennessee on being selected the "Small City Progress" award winner by the Tennessee Municipal League.

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OBJECTION --- CONSENT CALENDAR

Objection was filed to the following on the Consent Calendar:

Rep. Huskey objected to House Bill No. 1339.

Rep. Huskey requested that House Bill No. 1339 be held on the Clerk's desk pending final consideration of the Consent Calendar.

Rep. Phillips moved that all House and Senate Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions on the Consent Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

HOUSE BILL ON THIRD CONSIDERATION

Rep. Huskey moved that House Bill No. 1339 be passed on third and final consideration.

Rep. Huskey moved to amend as follows:

Amendment No. 1

AMEND HOUSE BILL NO. 1339 by deleting from the second paragraph of the amendatory language of Section 1 the following sentence:

If the county legislative body determines as a result of the 1990 federal census of population or any subsequent federal census that the population discrepancy between such districts is greater than five percent (5%), such districts shall be presumed in violation of the one man -- one vote rule.

AND FURTHER AMEND by deleting the amendatory language of Section 3 and by substituting instead the following:

That in the August 1988 general election for county officials, the qualified voters of the Second, Fourth, and Sixth Educational Districts shall respectively elect one (1) member to the County Board of School Supervisors to serve for a term of two (2) years; thereafter, beginning with the August 1990 general election, the qualified voters of such districts shall respectively elect one (1) member to serve for a term of four (4) years. Members of the County Board of School Supervisors, serving upon the effective date of this act, whose terms expire in 1990 shall continue to serve as at-large members for the remainder of their terms of office and until their successors are elected and qualified. In the August 1990 general election for county officials, the qualified voters of the First, Third, Fifth, and Seventh Districts shall respectively elect one (1) member to the County Board of School Supervisors to serve for a term of two (2) years; thereafter, beginning with the August 1992 general election, the qualified voters of such districts shall respectively elect one (1) member to serve for a term of four (4) years.

On motion, the amendment was adopted.

Rep. Huskey moved that House Bill No. 1339, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0
Present and Not Voting	0

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Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

INTRODUCTION OF RESOLUTIONS

***House Joint Resolution 0423 -- Naming and Designating --** Names auditorium at Julian Fleming Operator Training Center in honor of James Smoot Blanton. by *Bragg.

The Speaker referred House Joint Resolution No. 423 to Calendar and Rules Committee.

House Joint Resolution 0424 -- Memorials, Retirement -- Honors Judge Mark Walker on his retirement as presiding judge from the Tennessee Court of Criminal Appeals. by *Naifeh.

The Speaker referred House Joint Resolution No. 424 to Calendar and Rules Committee.

House Joint Resolution 0425 -- Memorials, Sports -- Honors Coach Mike Cline and the Sullivan South High School baseball team on winning the TSSAA Class AAA state championship. by *Yelton, *Montgomery, *Holcomb.

The Speaker referred House Joint Resolution No. 425 to Calendar and Rules Committee.

***House Joint Resolution 0426 -- Naming and Designating --** Designates a portion of Highway 11-E as the "Rocky Mount Parkway". by *Yelton, *Holcomb.

The Speaker referred House Joint Resolution No. 426 to Transportation Committee.

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House Joint Resolution 0427 -- Memorials, Professional Achievement -- Congratulates Mary Kate Ridgeway of Paris for her recent awards at National 4-H Convention. by *Ridgeway, *Naifeh, *Burnett, *Tanner, *Head, *Collier, Cross, Bivens, Ivy, Davis J K, Hobbs, Davis Ray, Jackson, Whitson, Napier, Moore Calvin, Stallings, Holt, Hurley, May, Huskey, Winningham, Jared, Garrett, Bragg, Peroulas, Long, Davis R E, West, Kieber, Herron, Bushing, Murray, Good, Robinson Ruth, Wheeler, Davidson, Bewley, DePriest, McAfee, Wood, Starnes, Hawkins, Turner B, Curlee, Frensey, Robinson C B.

The Speaker referred House Joint Resolution No. 427 to Calendar and Rules Committee.

House Joint Resolution 0428 -- Memorials, Congratulations -- Honors the 1987 Sullivan South High School Scholars' Bowl Team. by *Yelton, *Montgomery, *Holcomb.

The Speaker referred House Joint Resolution No. 428 to the Calendar and Rules Committee.

House Joint Resolution 0429 -- Memorials, Congratulations -- Honors Wilda Cornett on being named Tennessee's Vocational Home Economics Teacher of the Year. by *Swann.

The Speaker referred House Joint Resolution No. 429 to the Calendar and Rules Committee.

House Joint Resolution 0430 -- Memorials, Condolence -- Honors the memory of Elizabeth Gray McGinley. by *Swann.

The Speaker referred House Joint Resolution No. 430 to the Calendar and Rules Committee.

House Joint Resolution 0431 -- Memorials, Congratulations -- Honors Carla Kryder for being named East Tennessee District Elementary Teacher of the Year. by *Swann.

The Speaker referred House Joint Resolution No. 431 to the Calendar and Rules Committee.

House Joint Resolution 0432 -- Memorials, Retirement -- Honors Coach Don Story on his retirement as football coach from Maryville High School. by *Swann.

The Speaker referred House Joint Resolution No. 432 to the Calendar and Rules Committee.

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INTRODUCTION OF BILLS

***House Bill No. 1365** -- Prisoners and Inmates -- Allows department of correction and board of paroles to give special consideration under the contract sentencing program to prisoners with disparate sentences based upon changing sentencing laws. Amends TCA 40-34-103. by *Burnett.

Passed first consideration.

***House Bill No. 1366** -- Criminal Procedure -- Enacts "Pretrial Preventive Detention Act". Amends TCA, Title 40, Ch. 11. by *Burnett.

Passed first consideration.

***House Bill No. 1367** -- General Assembly -- Provides a salary schedule for the majority and minority leaders and the speakers. Amends TCA, Title 3, Ch. 1. by *Burnett.

Passed first consideration.

***House Bill No. 1368** -- General Assembly -- Establishes salary schedule for speakers, majority and minority leaders. Amends TCA, Title 3, Ch. 1. by *Burnett.

Passed first consideration.

***House Bill No. 1369** -- Alcoholic Beverages -- Establishes certain standards for replacement of beer by wholesalers. Amends TCA 57-6-102, 109. by *Rhinehart.

Passed first consideration.

***House Bill No. 1370** -- Public Contracts -- Revises certain provisions of the Prompt Payment Act of 1985. Amends TCA, Title 12, Ch. 4, Pt. 7. by *Rhinehart.

Passed first consideration.

***House Bill No. 1371** -- Alcoholic Beverages -- Regulates certain outdoor beer advertising signs. Amends TCA, Title 57, Ch. 5, Pt. 3. by *Scruggs, *Miller.

Passed first consideration.

House Bill No. 1372 -- Banks and Financial Institutions-- Revises authority and powers concerning certain accounts in certain financial institutions. Amends TCA 45-2-703, 707, 708, 45-2-901, 45-2-1003, 45-3-508, 514, 404, 405. by *Copeland.

Passed first consideration.

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***House Bill No. 1373 -- Racing -- Prohibits issuance of general obligation bonds for racetracks. Amends TCA, Title 4, Ch. 36. by *Copeland.**

Passed first consideration.

***House Bill No. 1374 -- Taxes, Gross Receipts -- Removes tax imposed on wrestling events. Amends TCA, Title 68, Ch. 50. by *Long, Naifeh, Bragg, Cain, Burnett, Miller.**

Passed first consideration.

***House Bill No. 1375 -- Education -- Provides for career ladder teachers to teach in adult literacy programs. Amends TCA, Title 49, Ch. 5. by *Crain, *Davidson.**

Passed first consideration.

House Bill No. 1376 -- Advertising -- Prohibits certain forms of advertising adjacent to national park service parkways and roads. Amends TCA, Title 54, Ch. 21. by *Odom.

Passed first consideration.

House Bill No. 1377 -- Advertising -- Prohibits certain forms of advertising adjacent to national park service parkways and roads. Amends TCA, Title 54, Ch. 21. by *Odom.

Passed first consideration.

***House Bill No. 1378 -- County Officers -- Increases amount paid to constables and sheriffs for grand jury duty or waiting in court. by *Yelton, *Montgomery, *Holcomb.**

Passed first consideration.

House Bill No. 1379 -- Pulaski -- Permits purchasing from a business in or from Giles County under certain circumstances. Amends Chapter 711, Article II, Private Acts of 1949, as amended. by *DePriest.

Passed first consideration.

House Bill No. 1380 -- Election Laws -- Changes qualifying deadline for candidates in municipal elections. Amends TCA 2-5-101. by *DePriest, *Hillis, *Rhinehart.

Passed first consideration.

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House Bill No. 1381 -- Boards and Commissions -- Changes the name of the prison agri-industries board; increases the per diem for board members. Amends TCA, Title 41, Ch. 22, Pt. 4. by *DePriest, *Hillis, Davidson, Rhinehart.

Passed first consideration.

***House Bill No. 1382** -- County Boundaries -- Revises boundary between Cumberland and Bledsoe counties. by *Duer, *Hillis, *Rhinehart.

Passed first consideration.

***House Bill No. 1383** -- Traffic Safety -- Requires certain trailers to have safety chains. Amends TCA, Title 55, Ch. 11. by *Scruggs.

Passed first consideration.

***House Bill No. 1384** -- Drivers' Licenses -- Requires person whose license is suspended for refusing breath test to follow same procedure for restricted license as person convicted of DUI. Amends TCA 55-10-406. by *Wood.

Passed first consideration.

***House Bill No. 1385** -- Motor Vehicles, Titling and Registration -- Allows surviving spouse of former POW to continue receiving special license plates. Amends TCA 55-4-235. by *Wood.

Passed first consideration.

House Bill No. 1386 -- Architects -- Revises qualifications for registration as an architect. Amends TCA 62-2-501. by *Swann.

Passed first consideration.

House Bill No. 1387 -- County Government -- Authorizes certain counties to invest in bankers acceptances commercial paper and certain public issued bonds. Amends TCA 5-8-301. by *Byrd.

Passed first consideration.

HOUSE BILLS ON SECOND CONSIDERATION

***House Bill No. 1341** -- Sewage -- Passed second consideration, referred to Conservation and Environment.

House Bill No. 1342 -- Pikeville -- Passed second consideration, referred to State and Local Government.

***House Bill No. 1343** -- Appropriations -- Passed second consideration, referred to Education Committee.

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***House Bill No. 1344** -- Education -- Passed second consideration, referred to Education Committee.

House Bill No. 1345 -- Pensions and Retirement Benefits -- Passed second consideration, referred to Finance, Ways, and Means Committee.

House Bill No. 1346 -- Insurance, Fire and Casualty -- Passed second consideration, referred to Commerce Committee.

House Bill No. 1347 -- Consumer Protection -- Passed second consideration, referred to Labor and Consumer Affairs Committee.

***House Bill No. 1348** -- Taxes, Real Property -- Passed second consideration, referred to General Welfare Committee.

***House Bill No. 1349** -- State Employees -- Passed second consideration, referred to State and Local Government Committee.

***House Bill No. 1350** -- Sports -- Passed second consideration, referred to Education Committee.

***House Bill No. 1351** -- Taxes, Sales -- Passed second consideration, referred to Finance, Ways, and Means Committee.

***House Bill No. 1352** -- County Boundaries -- Passed second consideration, referred to State and Local Government Committee.

House Bill No. 1353 -- Marriage -- Passed second consideration, referred to State and Local Government Committee.

House Bill No. 1354 -- Education -- Passed second consideration, referred to Education Committee.

***House Bill No. 1355** -- Education -- Passed second consideration, referred to Education Committee.

***House Bill No. 1356** -- Litter Control -- Passed second consideration, referred to State and Local Government Committee.

***House Bill No. 1357** -- Environmental Preservation -- Passed second consideration, referred to State and Local Government Committee.

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***House Bill No. 1358** -- Environmental Preservation -- Passed second consideration, referred to Conservation and Environment Committee.

***House Bill No. 1359** -- Solid Waste Disposal -- Passed second consideration, referred to Conservation and Environment Committee.

***House Bill No. 1360** -- Motor Vehicles -- Passed second consideration, referred to Commerce Committee.

House Bill No. 1361 -- Alcoholic Beverages -- Passed second consideration, referred to State and Local Government Committee.

House Bill No. 1362 -- County Government -- Passed second consideration, referred to State and Local Government Committee.

House Bill No. 1363 -- Drugs -- Passed second consideration, referred to Judiciary Committee.

***House Bill No. 1364** -- Taxes -- Passed second consideration, referred to Education Committee.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsors each having agreed to such addition:

House Joint Resolution No. 422: Rep. Herron added as a sponsor.

House Bill No. 1333: Reps. Naifeh and Head added as prime sponsors.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos: 239, 240, 241, 242, 243, 245, 246, 247, 248, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 267, 268; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No. 270; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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ENGROSSED BILLS

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill No. 1339 and House Joint Resolution No. 418; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**REPORT OF COMMITTEE ON CALENDAR AND RULES
CONSENT CALENDAR**

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Wednesday, January 20, 1988: House Joint Resolutions Nos. 424, 425, 427, 428, 429, 430, 431, 432.

PHILLIPS, Chairman.

ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 95.

On motion of Rep. Naifeh, the House adjourned until 1:30 P.M., Wednesday, January 20, 1988.